

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 OCT 28 A 7:02

ADMIRAL METALS SERVICENTER CO. INC.,
Plaintiff

v.

FEUZ MANUFACTURING, INC.

And

GARY A. FEUZ, INDIVIDUALLY
Defendants

And

GENERAL ELECTRIC COMPANY

And

EMPIRE RECYCLING OPERATIONS, INC.
Reach and Apply Defendants

C.A. No. 04CV12204-JLT

PLAINTIFF'S MOTION FOR INJUNCTION

Now comes the Plaintiff, Admiral Metals Servicenter Co., Inc., and hereby moves pursuant to Fed.R.Civ.P. 65 for an order enjoining the Defendants, Feuz Manufacturing, Inc., and Gary A. Feuz, individually (collectively, the **"Defendants"**), and Reach and Apply Defendants, General Electric Company and Empire Recycling Operations, Inc. (**"Reach and Apply Defendants"**), in accordance with prayers for relief 3 and 4(a) in the Verified Complaint, as set forth below:

1. That this Court adjudicate that Defendants, their agents, servants, employees, attorneys, representatives, or others acting on their behalf, are enjoined and restrained from transferring, selling, assigning or in any other way disposing of their inventory, equipment, fixtures, accounts receivable proceeds thereof or any other assets outside the ordinary course of business.
2. That this Court adjudicate that the Reach and Apply Defendants, their agents, servants,

employees, attorneys, representatives, or others acting on their own behalf, now or in the future are:

- a. Restrained and enjoined from paying monies due to Defendants;

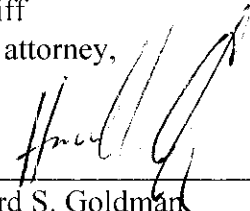
As grounds for this Motion, Plaintiff incorporates by reference the facts set forth in the the Affidavits previously filed in this action by Darren Gaudreault and David Schur. Plaintiff also incorporates by reference the Affidavit filed herewith by Steven Goldy. All of the foregoing Affidavits demonstrate that the Plaintiff is likely to prevail on the merits of its claim against the Defendants.

Further, Plaintiff would be irreparably harmed if Defendants' assets were not preserved to be available for Plaintiff to satisfy a judgment against Defendants because, upon information and belief, Defendants are insolvent and have neither sufficient funds on hand to satisfy such judgment nor any insurance applicable to Plaintiff's claim. Moreover, upon information and belief, a sale of Defendant, Feuz Manufacturing, Inc., is imminent. Finally, the balance of equities favoring the granting of this Motion, in that the temporary limitation on Defendants' property rights as requested herein is minimal in comparison to Plaintiff's potential harm.

WHEREFORE, Plaintiff respectfully requests that this Court issue a temporary restraining order and mark this matter for a subsequent preliminary injunction hearing.

Plaintiff

By its attorney,

A handwritten signature in black ink, appearing to read "Howard S. Goldman", is written over a horizontal line.

Howard S. Goldman

BBO# 199030

Goldman and Pease

160 Gould Street

Needham, MA 02494

781-292-1080

Date: October 26, 2004